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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92049267
Party	Defendant iTeamSolutions, llc
Correspondence Address	James Matulis Conwell Kirkpatrick, P.A. 2701 North Rocky Point DriveSuite 1200 Tampa, FL 33607 UNITED STATES jmatulis@ckbusinesslaw.com
Submission	Motion to Dismiss 2.132
Filer's Name	James Matulis, Esq.
Filer's e-mail	jmatulis@ckbusinesslaw.com
Signature	/s - jm/
Date	08/24/2009
Attachments	Respondent iTeamSolutions MOTION FOR JUDGMENT FILED.pdf (3 pages) (14248 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

iTeam IT, Inc.,

Plaintiff/Petitioner,

vs.

iTeamSolutions, LLC,

Defendant/Registrant.

Cancellation No.: 92049267

Registration No.: 2,752,919

Mark: iTeamSolutions and Design

**DEFENDANT'S/REGISTRANT'S MOTION FOR JUDGMENT
PURSUANT TO C.F.R. 2.132**

COMES NOW, Defendant/Registrant, iTeamSolutions, LLC (hereafter "Defendant"), by and through its undersigned attorneys, and files its Motion for Entry of Judgment pursuant to C.F.R. 2.132, and would show unto this Court the following:

1. Plaintiff filed its Petition To Cancel Pursuant To 37 C.F.R. §2.111 ("the Petition") on April 29, 2008.
2. On June 2, 2008, Defendant/Registrant ("Defendant") served its Answer [Dkt. 5], denying that it had discontinued use or otherwise abandoned the Mark ITEAMSOLUTIONS and Design.
3. On August 7, 2008 the parties filed a stipulated motion [Dkt. 7] to suspend proceedings for thirty days in order to engage in settlement discussions, and the motion was granted by Order [Dkt. 8] dated August 14, 2008.
4. Again on September 2, 2008 the parties filed a second stipulated motion to suspend proceedings [Dkt. 10], and the motion was granted by Order [Dkt. 11] dated September 19, 2008. In its Order, the Board reset the case management deadlines. Notably, the Board set July 3, 2009, as the date upon which Plaintiff's 30-day trial period ends.

5. The time for taking testimony by Plaintiff has now expired and Plaintiff has not taken any testimony or offered any other evidence.

6. As such, Defendant hereby moves for a dismissal pursuant to C.F.R. 2.132 on the ground of the failure of the Plaintiff to prosecute. Defendant notes that the time for Defendants to take trial testimony does not expire until September 1, 2009, and therefore this Motion is timely filed.

7. Moreover, Plaintiff has not, and cannot, demonstrate good cause as to why judgment should not be entered against it. Although the parties initially engaged in settlement discussions, Plaintiff's lead negotiation counsel ceased all communication with the undersigned on February 10, 2009. After repeated telephone messages and emails went unanswered, the undersigned was finally able to reach Plaintiff's trademark counsel, but counsel could not explain its client's "silence" or reasons for refusing to engage in continued negotiations.

8. Petitioner has never since explained its sudden "silence," nor has Petitioner taken any other steps to prosecute this matter. The last contact the undersigned was able to have with Plaintiff's counsel was on March 6, 2009. Since then, Plaintiff has not contacted the undersigned, sought any extensions of time, served any discovery, requested any dates for deposition, noticed any depositions, or otherwise prosecuted this case, despite having filed it over sixteen months ago. Nor has Plaintiff attempted to take any testimony or offer any evidence.

WHEREFORE, Defendant respectfully requests this Board enter an order of involuntary dismissal for Plaintiff's failure to take testimony and to dismiss Petitioner's Petition for Cancellation with prejudice.

DATED: August 24, 2009.

/s -jm/

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CERTIFICATE OF TRANSMISSION

I HEREBY CERTIFY that on August 24, 2009, the foregoing **MOTION FOR JUDGMENT** was served by email and U.S. Mail to: Nishan Kottahachchi, Esquire, Peter Willsey, Esquire, Cooley Godward Kronish, LLP, 777 6th Street, NW, Washington, DC 20001.

By: _____/s -jm/ _____
James M. Matulis